

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

TRACY NEIBERGER,)
)
)
Petitioner,)
)
)
-vs-) Case No. CIV-10-1380-F
)
)
JAMES RUDEK, Warden,)
)
)
Respondent.)

ORDER

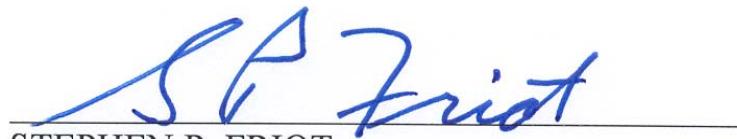
On January 4, 2011, United States Magistrate Judge Gary M. Purcell issued a Report and Recommendation, wherein he recommended that petitioner, Tracy Neiberger's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 be transferred to the United States District Court for the Northern District of Oklahoma.

Presently before the court is petitioner's timely objection to Magistrate Judge Purcell's Report and Recommendation. In accordance with 28 U.S.C. § 636(b)(1), the court has conducted a de novo review of the matter. Having done so, the court concurs with the recommendation of Magistrate Judge Purcell. The court rejects petitioner's objection to recommended ruling. Consequently, the court accepts, adopts and affirms the Report and Recommendation.

Accordingly, the Report and Recommendation issued by United States Magistrate Judge Gary M. Purcell on January 4, 2011 (doc. no. 5) is **ACCEPTED**, **ADOPTED** and **AFFIRMED**.

The above-entitled action is **TRANSFERRED** to the United States District Court for the Northern District of Oklahoma.

DATED January 12, 2011.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

10-1380p002.wpd